

# **RULE 905 AIRBORNE TOXIC CONTROL MEASURE ASBESTOS - CONTAINING SERPENTINE ROCK IN SURFACING APPLICATIONS**

Adopted 05-07-91  
(Amended 10-19-93)

## **100 GENERAL**

- 101 PURPOSE:** The purpose of this rule is to comply with Title 17 and Title 26, California Code of Regulations regarding the use of serpentine material for surfacing.
- 102 EXEMPTION, SAND AND GRAVEL OPERATIONS:** The provisions of Section 302 through Section 305 shall not apply to sand and gravel operations.
- 103 EXEMPTION, ROADS, MINES AND DEPOSITS:** The provisions of Section 301 shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.
- 104 EXEMPTION, ROAD MAINTENANCE:** The provisions of Section 301 shall not apply to maintenance operations on any existing road surfaces, or at the construction of new roads in serpentine deposits, as long as no additional asbestos-containing serpentine material is applied to the road surface.
- 105 EMERGENCY ROAD REPAIRS:** The Air Pollution Control Officer may issue a temporary exemption from the requirements of Section 301 to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency and that the use of material other than serpentine is not feasible for this repair. The Air Pollution Control Officer shall specify the time during which such exemption shall be effective, provided that no exemption shall remain in effect longer than six (6) months.
- 106 BITUMINOUS AND CONCRETE MATERIALS:** The provisions of Section 300 shall not apply to serpentine material that is an integral part of bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials.
- 107 EXEMPTIONS OTHER:** The provisions of Section 301 shall not apply to landfill operations other than the surfacing of public-access roads used by vehicular traffic.

## **200 DEFINITIONS**

- 201 AGGREGATE:** A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
- 202 ALLUVIAL DEPOSIT:** Any deposit of sediments laid down by running water including but not limited to streams and rivers.
- 203 ARB TEST METHOD 435:** The test method specified in Title 17, California Code of Regulations, Section 94147.
- 204 ASBESTOS:** Asbestiforms of the following hydrated minerals; chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
- 205 ASBESTOS CONTAINING SERPENTINE MATERIAL:** Serpentine material that has an asbestos content greater than five percent (5.0%) as determined by ARB Test Method 435.

- 206 RECEIPTS:** Any written acknowledgment that a specified amount of serpentine material was received, delivered, or purchased. Receipts include but are not limited to, bills of sale, bills of lading, and notices of transfer.
- 207 ROAD SURFACE:** The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
- 208 SAND AND GRAVEL OPERATION:** Any aggregate producing facility operating in alluvial deposits.
- 209 SERPENTINE:** Any form of hydrous magnesium silicate minerals--including, but not limited to, antigorite, lizardite, and chrysotile.
- 210 SERPENTINE MATERIAL:** Any material that contains at least ten percent (10%) serpentine as determined by a registered geologist. The registered geologist must document precisely how the serpentine content of the material in question was determined.
- 211 SURFACING:** The act of covering any surface used for purposes of pedestrian, vehicular, or non-vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds.
- 300 STANDARDS REQUIREMENTS FOR USE OR SALE OF ASBESTOS--CONTAINING SERPENTINE MATERIAL**
- 301** No person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine materials, for a period of at least seven years from the date of use or application, and shall be provided to the Air Pollution Control Officer or his designee for review upon request.
- 302** Any person who sells, supplies, or offers for sale serpentine material in the District shall provide with each sale or supply a written receipt containing the following statement: "Serpentine material may have an asbestos content greater than five percent (5.0%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5.0%) asbestos. All tests for asbestos content must use California Air Resources Board Test Method 435, and a written record documenting the test results must be retained for at least seven years if the material is used for surfacing."
- 303** No person shall sell, supply, or offer for sale serpentine material for surfacing in the District unless the serpentine material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is five percent (5.0%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.
- 304** Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven years from the date of sale or supply copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All

receipts and test results shall be provided to the Air Pollution Control Officer or his designee for review upon request.

- 305** If ARB Test Method 435 has been used to perform two or more tests on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.

**400 ADMINISTRATIVE REQUIREMENTS**

- 401** Any person subject to this rule shall comply with all the requirements upon May 7, 1991.

**500 MONITORING AND RECORDS**

- 501 ENFORCEMENT:** These rules and regulations shall be enforced by the APCO under authority of California Health and Safety Code Sections 40001, 40702, 40752, and all officers empowered by Section 40120.

- 502 PENALTY:** Penalties shall be assessed as stated in Health and Safety Code Sections 39674, 42400, and 42400.1.

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